IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 15421 of 2007(S)

WOS.18/2007 of WAKF TRIBUNAL, ERNAKULAM

PETITIONER:

1. KERALA JAMATH-E-ISLAMI HIND
REPRESENTED BY ITS DISTRICT PRESIDENT,
ISLAMIC CENTER, PULLEPPADY, KOCHI - 35.

2. BASHEER MUHIYUDHEEN, AGED 35 YEARS,
S/O.MOIDU MOULAVI, ISLAMIC CENTER,
KOCHI - 18.

BY ADV. SRI.T.H.ABDUL AZEEZ

RESPONDENTS:

1. ABDUL SAMAD, AGED 34 YEARS,
S/O.HAMEED TURUTTIPARAMBU, VAZHAKKALA,
ERNAKULAM, ACTING AS THE CONVENOR, MADEENA MASJID
SAMARAKSHANA, KOVILVATTOM ROAD, 64/7141,
KOCHI - 35.

2. COCHIN ISLAMIC WELFARE TRUST,
REPRESENTED BY ITS CHAIRMAN P.K.HASHIM HAJI,
AGED 71 YEARS, S/O.ABDUL RAHMAN, RESIDING AT
BONANZA, ARANGATH CROSS ROAD, PULLEPPADY,
COCHIN - 18.

3. C.V.IBRAHIM, AGED 65 YEARS,
S/O.UMMER HAJI, SECRETARY,
COCHIN ISLAMIC WELFARE TRUST,
PULLEPPADY.

BY ADV. SRI.R.V.SUJIT KUMAR
SRI.SUNIL V.MOHAMMED
SRI.P.N.RAVINDRAN
SMT.PREETHY KARUNAKARAN
SMT.MEENA.A.
SMT.M.R.MINI
SRI.JAYKAR.K.S.
SRI.R.V.SUJIT KUMAR
SRI.T.KRISHNAN UNNI
SRI.T.U.ZIYAD
SRI.C.S.ABDUL SAMMAD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF THE INJUNCTION ORDER IN I.A. NO. 2326/2007 PASSED BY THE DISTRICT COURT, ERNAKULAM.

EXT.P2: TRUE COPY OF THE COMMON ORDER DATED 14.05.2007 PASSED BY THE WAKF TRIBUNAL, ERNAKULAM.

EXT.P3: TRUE COPY OF THE COUNTER AFFIDAVIT IN I.A. 2326/2007 FILED BY THE PETITIONER BEFORE THE DISTICT COURT, ERNAKULAM.

EXT. P4: TRUE COPY OF THE APPLICATION IN I.A. 2326/2007 FILED BY THE PETITIONER BEFORE THE DISTRICT COURT, ERNAKULAM.

EXT.P5: TRUE COPY OF THE APPLICATION IN I.A. 2326/2007 FILED BY THE PETITIONER BEFORE THE DISTRICT COURT, ERNAKULAM.

/True Copy/

P.A to Judge.

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ

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W.P.(C) NO. 15421 OF 2007

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Dated this the 18th day of June, 2007.

JUDGMENT

Kurian Joseph,J

This writ petition is filed challenging Ext.P1 order passed by the Vacation Court in I.A. No. 2326/2007 in O.S. 620/2007 now pending before the Third Additional Munsiff Court, Ernakulam. Since Ext.P1 is only an exparte interim order passed by the vacation court, and since the matter is now pending before the regular Civil Court it is open to the petitioners to move the Civil Court for appropriate modification, varification, cancellation etc. The learned counsel for the petitioners submitted that they have already filed a petition to vacate the order. Though various allegations are raised in the writ petition which are stoutly disputed by the learned counsel appearing for the respondents, we do not think it necessary, at this stage, for this Court to go into those matters and consider other contentions as well.

Therefore, this writ petition is disposed of directing the Third Additional Munsiff Court to finally dispose of I.A. No. 2326/2007 expeditiously. The interim order passed by this Court on 23.05.2007 will continue till such time.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

T.R. RAMACHANDRAN NAIR, JUDGE.

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